

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNITED STATES OF AMERICA)
)
 v.)) **No. 4:21-CR-5-O**
)
 THE BOEING COMPANY,)
)
)
 Defendant.)
)

BOEING'S RESPONSE TO THE DECLARATION OF ERIN NEALY COX

As requested by the Court, The Boeing Company hereby submits its response to the Declaration of Erin Nealy Cox filed on January 10, 2022 (Dkt. 33). Ms. Nealy Cox stated in her Declaration that she did not speak to Boeing’s counsel about this case or about potential employment while serving as United States Attorney. Ms. Nealy Cox further states that she only spoke to law firms (including Kirkland & Ellis) about potential employment after she left the government and that discussions regarding her employment by Kirkland & Ellis were initiated and facilitated by a recruiter. Boeing and its counsel are not aware of any facts that contradict these sworn statements and have no reason to doubt their accuracy. Boeing and its counsel are also unaware of any factual basis for movants’ allegations of impropriety concerning Ms. Nealy Cox’s conduct while serving as United States Attorney, including with respect to the Deferred Prosecution Agreement, or with respect to her departure from the government. Movants have provided no factual support for their allegations. Boeing supports Ms. Nealy Cox’s request to strike any unsupported allegations against her, as a distinguished civil servant and officer of this Court.

While the allegations related to Ms. Nealy Cox should be stricken for the reasons set forth in her submission, neither those allegations nor the other arguments movants make in their motions provide a legal basis for modifying the Deferred Prosecution Agreement between Boeing and the

Government. *See United States v. Fokker Servs. B.V.*, 818 F.3d 733, 740–41 (D.C. Cir. 2016); *United States v. HSBC Bank USA, N.A.*, 863 F.3d 125, 137 (2d Cir. 2017); *In re McNulty*, 597 F.3d 344, 351 (6th Cir. 2010).

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing is being served on all counsel of record pursuant to the Federal Rules of Civil Procedure and the Court's Local Rules on the 19th day of January, 2022.

Jeremy A. Fielding

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